

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Joel Bernstein

Application No. 10/781,254

Filed: February 18, 2004

Confirmation No. 3157

Group Art Unit: 1617

Examiner: Kim, Jennifer M.

For: COMPOSITIONS AND METHOD FOR TREATING AFFECTIVE, PAINFUL OR ALLERGIC DISORDERS

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR 1.97 and 1.98, the references listed on the enclosed Form PTO-1449 and/or Substitute Form PTO-1449 ("Form 1449") are submitted for consideration by the Examiner in the examination of the above-identified patent application.

The submission of the references listed on the Form 1449 is for the purpose of providing a complete record and is not a concession that the references listed thereon are prior art to the invention claimed in the patent application. The right is expressly reserved to establish an invention date earlier than the above-identified filing date in order to remove any reference submitted herewith as prior art should it be deemed appropriate to do so.

Further, the submission of the references is not to be taken as a concession that any reference represents art that is relevant or analogous to the claimed invention. Accordingly, the right to argue that any reference is not properly within the scope of prior art relevant to an examination of the claims in the above-identified application is also expressly reserved.

The Information Disclosure Statement is being filed:

- ☐ **within** any one of the following time periods: (a) within three months of the filing date of a national application other than a continued prosecution application under 37 CFR 1.53(d); (b) within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 of an international application; (c) before the mailing date of a first Office Action on the merits; or (d) before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.
- ☒ **after** (a), (b), (c) or (d) above, but before the mailing date of a final action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an action that otherwise closes prosecution in the application, and includes *one* of:

- ☒ the Statement under 37 CFR 1.97(e) (see "Statement under 37 CFR 1.97(e)" below).
- or
- ☐ the fee of \$180 set forth in 37 CFR 1.17(p) (see "Fees" below).
- ☐ **after** the mailing date of a final action under 37 CFR 1.113 or a Notice of Allowance under 37 CFR 1.311, or an action that otherwise closes prosecution in the application, and on or before payment of the issue fee, and includes the Statement under 37 CFR 1.97(e) (see "Statement under 37 CFR 1.97(e)" below), and the fee of \$180 as set forth in 37 CFR 1.17(p) (see "Fees" below).
- ☐ **after** the mailing date of a Notice of Allowance under 37 CFR 1.311, and on or before payment of the issue fee, and **within** thirty days of receiving each item of information contained in the Information Disclosure Statement, and includes the Statement under 37 CFR 1.704(d) (see "Statement under 37 CFR 1.704(d)" below), and the fee of \$180 as set forth in 37 CFR 1.17(p) (see "Fees" below).
- NOTE: This is for original applications except applications for a design patent, filed on or after May 29, 2000, wherein a paper containing only an Information Disclosure Statement in compliance with 37 CFR 1.97 and 1.98 is being filed.

#### Copies of the References

- ☒ Copies of all non-patent literature and foreign patent references listed on the enclosed Form 1449 are enclosed herewith.
- ☐ Attached to each reference not in the English language is a concise explanation of the relevance pursuant to 37 CFR 1.98(a)(3). An English-language equivalent/patent, or an English-language abstract, or an English-language version of the search report or action by a foreign patent office in a counterpart foreign application indicating the degree of relevance found by the foreign office is being submitted in lieu of a concise explanation of the relevance pursuant to 37 CFR 1.98(a)(3).
- ☐ Copy of International Search Report is enclosed herewith.
- ☐ The references listed on the enclosed Form 1449 were previously identified in the parent application(s) of the present application, and copies of the references were furnished at that time. Accordingly, additional copies of the references are not submitted herewith, so as not to burden the file with duplicate copies of references. The Examiner is respectfully requested to carefully review the references in accordance with the requirements set out in the Manual of Patent Examining Procedure. In accordance with 37 CFR 1.98(d), the details of the parent application(s) relied upon for an earlier filing date under 35 USC 120 in which copies of the references were previously furnished are set out below:

#### Statement under 37 CFR 1.97(e)

- ☒ The **undersigned** hereby states that each item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign

patent office in a counterpart foreign patent application not more than three months prior to the filing of the Information Disclosure Statement.

- ☐ The **undersigned** hereby states that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign patent application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

**Fees**

- ☒ **No fee** is owed by the applicant(s).
- ☐ The **IDS Fee of \$180** under 37 CFR 1.17(p) is enclosed herewith.

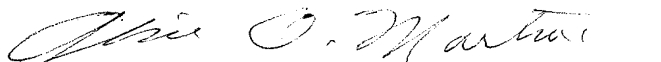
**Method of Payment of Fees**

- ☐ Charge Deposit Account No. 12-0913 in the amount of \_\_\_\_\_.

**Authorization to Charge Additional Fees**

- ☒ If any additional fees are owed in connection with this communication, please charge Deposit Account No. 12-0913.

Respectfully submitted,



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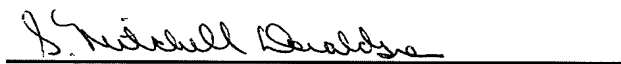
Date: February 14, 2008

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**CERTIFICATION UNDER 37 CFR 1.8**

I hereby certify that this INFORMATION DISCLOSURE STATEMENT (along with any documents referred to as being attached or enclosed) is being electronically filed via EFS WEB addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Date: February 14, 2008



S. Mitchell Donaldson



Substitute for FORM 1449A/B/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(Use as many sheets as necessary)</i> Sheet 1 of 1	<b>Complete if Known</b>	
	Application Number:	11/781,254
	Filing Date:	February 18, 2004
	First Named Inventor:	Joel Bernstein
	Group Art Unit:	1617
	Confirmation Number:	3157
	Examiner Name:	Kim, Jennifer M.
	Attorney Docket Number:	41959-102742

U.S. PATENT DOCUMENTS						
U.S. Patent Document				Name of Patentee or Applicant	Date of Publication	Filing Date If Appropriate
Examiner Initials	Doc. No.	Application or Patent Number	Kind Code			

FOREIGN PATENT DOCUMENTS								
Foreign Patent Document					Name of Patentee or Applicant	Date of Publication	Translation	
Examiner Initials	Doc. No.	Office	Application or Patent Number	Kind Code			Yes	No**
		CA	1,177,406		Joel E. Bernstein	Nov. 11, 1984		
		CA	1,185,179		Joel E. Bernstein	Apr. 09, 1985		
		CA	1,198,059		Bernstein et al.	Dec. 17, 1985		

OTHER - NON PATENT LITERATURE DOCUMENTS				
Examiner Initials	Doc. No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number (s), publisher, city and/or country where published.	Translation	
			Yes	No**

CHDS01 AOM 448055v1

EXAMINER		DATE CONSIDERED	
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\* A concise statement of relevance is being submitted in lieu of a translation. 37 CFR 1.98(a)(3).

+ An English-language equivalent/patent, or an English-language abstract, or an English-language version of the search report or action by a foreign patent office in a counterpart foreign application indicating the degree of relevance found by the foreign office is being submitted in lieu of a concise explanation of relevance under 37 CFR 1.98(a)(3).